

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 11/28/2022

SARAH J. PIERCE,

Plaintiff,

v.

BETTER HOLDCO, INC., VISHAL GARG, and
NICHOLAS CALAMARI,

Defendants.

No. 1:22-cv-04748-AT-(S.D.N.Y.)

**STIPULATION CONSENTING
TO PLAINTIFF'S FILING OF
AMENDED COMPLAINT AND
SETTING BRIEFING
SCHEDULE; ORDER**

WHEREAS, Plaintiff Sarah J. Pierce filed a Complaint against Defendants Better Holdco., Inc. ("Better"), Vishal Garg ("Garg"), and Nicholas Calamari ("Calamari") (collectively, "Defendants") in the above-captioned action on June 7, 2022 (the "Initial Complaint"); and

WHEREAS, Defendant Better and Defendants Garg and Calamari moved to dismiss the Initial Complaint on September 16, 2022 (ECF Doc. 33, 35); and

WHEREAS, Plaintiff filed an Opposition to the Separate Motions to Dismiss ("Opposition") (ECF Doc. 44) along with a Cross-Motion for Leave to File an Amended Complaint Under Fed. R. Civ. P. 15 (ECF Doc. 45) (the "Cross-Motion"), as well as a Declaration in Support thereof (ECF Doc. 46) and proposed Amended Complaint (ECF Doc. 46, Ex. 2) (the "Proposed Amended Complaint") on November 1, 2022; and

WHEREAS, Plaintiff indicated in her Opposition that on or about November 28, 2022, she intends to transfer a claim for retaliation in violation of the Sarbanes-Oxley Act of 2002 to "Federal District Court in the form of a new action that may or may not be then consolidated with the instant matter." (ECF Doc. 44 at 2); and

WHEREAS, Plaintiff's filing of the Cross-Motion and of the Proposed Amended Complaint renders unnecessary further briefing on Defendants Motions to Dismiss the Initial Complaint;

WHEREAS, the Parties believe it would be a more efficient use of the Court's and the parties' resources for Plaintiff to file a single consolidated amended complaint reflecting both the new allegations she included in her Proposed Amended Complaint and her purported SOX claim; and

WHEREAS, the Parties served requests for production and interrogatories (the "Initial Requests") on November 4, 2022, pursuant to the Civil Case Management Plan (ECF No. 39), and the Parties' respective responses and objections to the Initial Requests are due December 5, 2022 pursuant to Fed. R. Civ. P. 34(a)(2)(A);

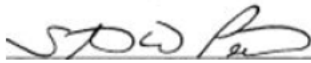
IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their respective counsel, as follows:

1. The Parties agree that by December 9, 2022, Plaintiff will file an amended complaint;
2. Defendants' deadline to respond to that amended complaint will be January 16, 2023;
3. Upon filing of the amended complaint, the Motions to Dismiss the Initial Complaint (ECF Doc. 33, 35), Opposition (ECF Doc. 44), and Cross-Motion for Leave to File an Amended Complaint Under FRCP 15 (ECF Doc. 45) shall be deemed withdrawn by the Parties;
4. The Parties' responses and objections to the Initial Requests will be due December 21, 2022.

Dated: November 28, 2022



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IT IS SO ORDERED.

Date: November 28, 2022
New York, New York



Hon. Analisa Torres
United States District Judge